

Appl. No. 10/756,832  
Amdt. dated April 12, 2006  
Reply to Office Action mailed January 18, 2006

### **REMARKS/ARGUMENTS**

Claims 1-10 are pending. Claims 5 and 7 have been withdrawn pending allowance of a generic claim. As set forth more fully below, reconsideration and withdrawal of the Examiner's rejections of the claims are respectfully requested.

#### **Claim Rejections Under 35 U.S.C. § 102**

The Examiner has maintained the rejection of Claims 1-4, 6 and 8 under 35 U.S.C. § 102(b) as being anticipated by Ivey (U.S. Patent No. 908,265).

Applicant has amended Claims 1 and 2 to recite a generally oval foot support member that extends completely around the rider's foot. Support for this amendment is clearly provided in all figures of the disclosure. This arrangement is advantageous over the prior art safety stirrups and particularly the design of Ivey as a foot support so configured can move in the same direction as the rider's foot. Indeed, such a foot support member can become fully disconnected from the U-shaped mounting member in the event of a rider's fall. This may occur regardless of whether the rider is thrown forward or behind the animal. That is, when a rider is thrown while the rider's foot is engaged in the currently claimed stirrup, upward vertical movement of the rider will release the releasable connection allowing the foot support member to move in the same direction as the rider's foot - indeed with the rider's foot - in either a forward or rearward direction (with respect to the animal).

This is in direct contrast to the stirrup of Ivey. Ivey does not teach or in any way suggest a circular foot support member that extends entirely around the foot of the rider. Instead, with the configuration of Ivey, the foot support ("tread" B, Ivey Fig. 5) separates from the U-shaped mounting member ("bail" A, Ivey Fig. 4) following a counterclockwise turn of the mounting member (from the perspective of Ivey, Fig. 3). That is, the foot support member disassembles from the mounting member and presumably falls away if the rider is thrown rearward from the animal. However, the stirrup configuration of Ivey will not disassemble if the rider is thrown forward from

the animal - unless the rider makes a counterclockwise movement with his/her boot at the time of the fall to allow release of the stirrup of Ivey.

Thus, Ivey does not anticipate the stirrup of the presently pending claims, as amended, as Ivey does not teach or suggest an oval foot support member that extends entirely around the rider's foot and can move in the same direction as the rider's foot following a forward fall from the animal.

The Examiner has rejected Claims 1-4, 6 and 9 under 35 U.S.C. § 102(b) as being anticipated by Evans (U.S. Patent No. 2,641,883).

Evans teaches a safety stirrup that comprises a foot support member (1) attached through a rod (7) to a "substantially U-shaped" yoke (10). The yoke (10) engages the rod (3) attached to the stirrup strap. The yoke is adapted to project downward from the rod (3) to engage the toe of the boot of the rider (see Evans at Col. 2, lines 30-32). The rider may then rotate the yoke (10) to disengage the yoke (10) from the rod (3). As the foot support member (1) is attached to the yoke, the foot support member (1) simultaneously becomes disengaged from the rod (3) when the yoke is rotated and disengaged (see Evans, Fig. 5). Thus, the safety stirrup of Evans represents an entirely different configuration from the safety stirrup of Claims 1-4, 6 and 9, as amended.

Specifically:

1) The safety stirrup of Evans does not include a generally U-shaped mounting member. The Examiner has indicated that the rod (3) with the washer (21) and nut (4) is equivalent to the mounting member of the present invention. But the rod (3) is straight (see Fig. 7) and it is the yoke (10) that is noted to be substantially U-shaped (see Col. 2, line 16).

2) The foot support member (1) of Evans is not circular and does not extend entirely around the rider's foot. Instead, the top of the rider's foot is engaged by the yoke (10). Further, the yoke and the foot support member cannot be considered to be a single foot support member as the yoke must rotate independently from the foot support member (1), to disengage from the

mounting member, rod (3) (see Evans, Figs. 4 and 5).

3) Upward movement of the foot support member (1) of Evans does not cause the release of the foot support member (1) from the rod (3). As shown in Figure 5 of Evans, nut (9) on rod (7) fits into slot (22) in washer (21) such that, when engaged, the foot support member (1) is prevented from moving upward through its attachment to rod (7) and nut (9) which is aligned within slot (22). Instead, the configuration of Evans, including a yoke (10), requires rotation of the yoke (10) to disengage recess (12) from rod (3) (see Evans, Fig. 4). Indeed, in the engaged position, upward vertical movement of the foot support member (1) is further prevented by the attachment of the stirrup (1) to the yoke (10) through rod (7) as the recess (12) in yoke (10) encompasses rod (3) (see Evans, Fig. 3).

4) As noted above, the safety stirrup of Evans requires rotation of the yoke (10) to disengage the yoke from the rod (3). However, similar to the device of Ivey, the safety stirrup of Evans will only disengage from rod (3) if rotated in a clockwise direction (from the perspective of Fig. 4). Thus, the rider will disengage the foot support device of Evans from the rod (3), through yoke (10), when thrown rearward from the animal but will not disengage the if the rider is thrown forward from the animal - unless the rider is able to rotate the yoke clockwise with his/her boot at the time of the fall.

In light of these structural and functional differences between the safety stirrup of Evans and the currently claimed safety stirrup, Applicant requests the Examiner's rejections under 35 U.S.C. § 102(b) be withdrawn.

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Claim Rejections Under 35 U.S.C. § 103

The Examiner has maintained the rejection of Claim 10 under 35 U.S.C. § 103(a) as being obvious over Ivey in view of Martin (U.S. Patent No. 5,979,149).

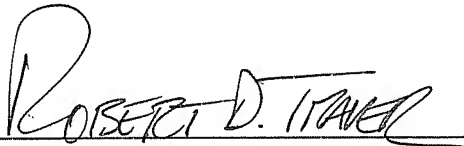
As described above, the disclosure of Ivey does not teach the stirrup of Claim 10, as amended. Thus, the combination of Ivey and Martin does not teach all of the limitations of Claim 10, as amended and therefore, Applicant requests that the Examiner's rejection of this claim be withdrawn.

Based upon the foregoing, Applicant believes that all pending claims are in condition for allowance and such disposition is respectfully requested. In the event that a telephone conversation would further prosecution and/or expedite allowance, the Examiner is invited to contact the undersigned.

Respectfully submitted,

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